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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2011-1008**

12 **DIANN CASPER,**  
13 **aka DIANN LYNN CASPER**  
14 **1772 E. Palm Beach Drive**  
**Chandler, AZ 85249**  
**Registered Nurse License No. 372313**

**ACCUSATION**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

- 19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
21 Department of Consumer Affairs.
- 22 2. On or about May 31, 1984, the Board issued Registered Nurse License  
23 Number 372313 ("license") to Diann Casper, also known as Diann Lynn Casper ("Respondent").  
24 On May 15, 1988, the Board revoked Respondent's license, as set forth in paragraph 8 below.  
25 Respondent filed a petition for reinstatement, but it was denied effective October 6, 1989.  
26 Respondent filed a second petition for reinstatement, and it was denied effective February 4,  
27 1991. On June 26, 1993, the Board reinstated Respondent's license and placed Respondent on  
28 probation for three (3) years on terms and conditions. On April 3, 1997, Respondent's license

1 was revoked. The revocation was stayed and Respondent was placed on probation for three (3)  
2 years on terms and conditions. On May 27, 1999, Respondent's license was revoked. The  
3 revocation was stayed and Respondent's license was suspended for 12 months. Respondent was  
4 also placed on probation during the 12 month suspension period and continuing for 2 years  
5 thereafter, on terms and conditions. Respondent's license expired on February 28, 2009.

#### 6 STATUTORY PROVISIONS

7 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that  
8 the Board may discipline any licensee, including a licensee holding a temporary or an inactive  
9 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing  
10 Practice Act.

11 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
12 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
13 to render a decision imposing discipline on the license. Under Code section 2811,  
14 subdivision (b), the Board may renew an expired license at any time within eight years after the  
15 expiration.

16 5. Code section 2761 states, in pertinent part:

17 The board may take disciplinary action against a certified or licensed  
18 nurse or deny an application for a certificate or license for any of the following:

19 (a) Unprofessional conduct . . .

20 . . . .  
21 (4) Denial of licensure, revocation, suspension, restriction, or any other  
22 disciplinary action against a health care professional license or certificate by another  
23 state or territory of the United States, by any other government agency, or by another  
California health care professional licensing board. A certified copy of the decision  
or judgment shall be conclusive evidence of that action . . .

#### 24 COST RECOVERY

25 6. Code section 125.3 provides, in pertinent part, that the Board may request the  
26 administrative law judge to direct a licensee found to have committed a violation or violations of  
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
28 enforcement of the case.

**CAUSE FOR DISCIPLINE**

**(Disciplinary Action by the Arizona State Board of Nursing)**

7. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the Arizona State Board of Nursing ("Arizona Board"), as follows: On or about January 8, 2010, pursuant to Consent for Entry of Voluntary Surrender Order No. 0907039 in the disciplinary proceeding titled "In the Matter of Registered Nurse License No. RN 155368 Issued to: Diann Lynn Casper", Respondent voluntarily surrendered her license to practice as a registered nurse in the State of Arizona for a minimum of five (5) years. A true and correct copy of the Order is attached as exhibit A and incorporated herein by reference. Respondent admitted as follows:

a. On or about February 8, 2008, Respondent was charged by the U.S. Border Patrol with a Class 1 misdemeanor, one count for "possession of drug paraphernalia and possession of less than one ounce of marijuana". On or about March 11, 2008, in case number J1403CR20080013, in Wellton Justice Court, Wellton, Arizona, the Court ordered Respondent to pay a monetary fine. The Court dismissed the criminal complaint after receipt of Respondent's payment and based upon the County Attorney's Office's recommendation.

b. On or about August 18, 2009, Respondent tested positive for marijuana on a random urine drug screen.

c. On or about September 3, 2009, during an interview with Arizona Board staff, Respondent acknowledged not working a strong relapse prevention program over the previous year.

d. On or about November 4, 2009, Respondent voluntarily submitted to a relapse prevention evaluation with Board-approved psychologist, Andrew Weissman, Psy.D. Dr. Weissman opined that Respondent would benefit from monitoring, including random urine drug testing; actively participating in a 12-step program and maintaining a sponsor; participating in individual psychotherapy that focused on current symptoms of depression and anxiety; and a review of her prescriptive medication(s) by a psychiatrist who is also familiar with addiction.

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1 e. On or about January 5, 2010, during an interview with Arizona Board staff,  
2 Respondent stated that she could not financially afford to comply with a November 24, 2009,  
3 Board stipulated agreement. That same day, Respondent requested to voluntarily surrender her  
4 license.

5 **MATTERS IN AGGRAVATION**

6 8. To determine the degree of penalty to be imposed on Respondent, if any,  
7 Complainant alleges as follows:

8 a. On April 14, 1988, pursuant to the Proposed Decision of the Administrative Law  
9 Judge ("ALJ") adopted by the Board as its Decision in the disciplinary action titled "In the Matter  
10 of the Accusation Against: Diann Casper", Case No. 87-100, the Board revoked Respondent's  
11 license effective May 15, 1988. The ALJ found that Respondent violated Code sections 2761,  
12 subdivision (a), 2762, subdivision (a), and 4230 by possessing the controlled substance  
13 marijuana.

14 b. On March 4, 1997, pursuant to the Stipulation, Decision and Order adopted by the  
15 Board as its Decision in the disciplinary action titled "In the Matter of the Accusation and Petition  
16 to Revoke Probation Against: Diann Lynn Casper", Case No. 96-167, the Board revoked  
17 Respondent's license effective April 3, 1997. The revocation was stayed and Respondent was  
18 placed on probation for three (3) years on terms and conditions. Respondent admitted that she  
19 violated Code section 2761, subdivision (a), in conjunction with Code section 2762,  
20 subdivision (a), by self-administering the controlled substance marijuana.

21 c. On April 27, 1999, pursuant to the Stipulation in Settlement and Decision adopted by  
22 the Board as its Order in the disciplinary action titled "In the Matter of the Accusation Against:  
23 Diann Casper", Case No. 98-86, the Board revoked Respondent's license effective May 27, 1999.  
24 The revocation was stayed and Respondent's license was suspended for 12 months. The Board  
25 also ordered that during the 12 month suspension and continuing for two (2) years thereafter,  
26 Respondent shall be placed on probation on terms and conditions. Respondent admitted violating  
27 Code section 2761, subdivision (a), in conjunction with Code section 2762, subdivision (a), by

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1 self-administering controlled substances, including barbiturates, opiates, and marijuana, on  
2 various occasions, without lawful prescriptions from a licensed physician, dentist, or podiatrist.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
5 and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 372313, issued to Diann  
7 Casper, also known as Diann Lynn Casper;

8 2. Ordering Diann Casper, also known as Diann Lynn Casper, to pay the Board of  
9 Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
10 pursuant to Business and Professions Code section 125.3;

11 3. Taking such other and further action as deemed necessary and proper.

12  
13 DATED: June 28, 2011

14 for Stacie Ben  
15 LOUISE R. BAILEY, M.ED., RN  
16 Executive Officer  
17 Board of Registered Nursing  
18 Department of Consumer Affairs  
19 State of California  
20 Complainant  
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EXHIBIT A

CONSENT FOR ENTRY OF VOLUNTARY SURRENDER ORDER NO. 0907039

ARIZONA STATE BOARD OF NURSING  
4747 North 7th Street, Suite 200  
Phoenix, Arizona 85014-3655  
602-771-7800

IN THE MATTER OF REGISTERED  
NURSE LICENSE NO. RN155368  
ISSUED TO:

DIANN LYNN CASPER  
RESPONDENT

CONSENT FOR ENTRY OF  
VOLUNTARY SURRENDER  
ORDER NO. 0907039

A complaint charging DIANN LYNN CASPER, ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. § 32-1663 (D)(5), Respondent voluntarily surrenders her license for a minimum of five years.

Based on the evidence before it, the Board makes the following Findings of Fact, Conclusions of Law:

**FINDINGS OF FACT**

1. Respondent holds Board issued registered nurse license no. RN155368.
2. Respondent has prior disciplinary actions with the California Board of Registered Nursing, and has subsequently been resolved since on or about May 23, 2008. Respondent's California registered nurse license is active and in good standing.
3. On or about July 25, 2009, Respondent reported being charged with a Class 1 misdemeanor, one count for "possession of drug paraphernalia and possession of less than one ounce of marijuana," on or about that on or about February 8, 2008, by the U.S. Border Patrol.
4. On or about March 11, 2008, in case number J1403CR20080013, in Wellton Justice Court, Wellton, AZ, the Court ordered Respondent pay a monetary fine. The Court dismissed the

Respondent's complaint after receipt of the payment and based upon the County Attorney's Office recommendation.

5. On or about August 18, 2009, Respondent tested positive on a randomly requested urine drug screen for marijuana.

6. On or about September 3, 2009, during an interview with Board staff, Respondent acknowledged not working a strong relapse prevention program over the past year. Respondent has recommitted to her sobriety and has been active in a 12-step program since September 2009.

7. On or about October 21, 2009, Board staff reviewed Respondent work performance evaluation from St. Paul's Academy, in Phoenix, Arizona. Respondent was rated as "fully and satisfactorily meeting all expectations as a school nurse and employee".

8. On or about November 4, 2009, Respondent voluntarily submitted to a relapse prevention evaluation with Board approved psychologist, Andrew Weissman, Psy.D.

Dr. Weissman opined that Respondent would benefit from monitoring, including random urine drug testing; actively participating in a 12-step program and maintaining a sponsor; participating in individual psychotherapy that focused on current symptoms of depression and anxiety; and a review of her prescriptive medication(s) by a psychiatrist who is also familiar with addiction.

9. On or about January 5, 2010, during an interview with Board staff, Respondent said she could not financially afford to comply with the November 24, 2009 Board stipulated agreement. Respondent has continued to maintain her clean and sober lifestyle. According to Respondent, over the past 13 years, while under monitored probation with the California Board of Registered Nursing, she had four positive urine drug screens which were found to be false and the results were erroneous.

10. On or about January 5, 2010, Respondent requested to voluntary surrender her license.

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### CONCLUSIONS OF LAW

Pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-1601(18), (d) and (j), and A.A.C. R4-19-403(18), (28), and (31) (Adopted February 3, 2009).

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. §§ 32-1663(D)(5) 32-1664(N) to take disciplinary action against Respondent's license to practice as a registered nurse in the State of Arizona.

Respondent admits the Board's Findings of Fact, Conclusions of Law.

Respondent understands that she has an opportunity to request a hearing and declines to do so. Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal, or judicial review relating to this Order.

Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

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Respondent understands that the admissions in the Findings of Fact are conclusive evidence of a violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into the Consent Agreement and such consultation has either been obtained or is waived.

Respondent understands that this voluntary surrender is effective upon its acceptance by the Executive Director or the Board and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature. Once signed by Respondent, the agreement cannot be withdrawn without the Executive Director or the Board's approval or by stipulation between Respondent and the Executive Director or the Board. The effective date of this Order is the date the Voluntary Surrender is signed by the Executive Director or the Board and by Respondent. If the Voluntary Surrender is signed on a different date, the later date is the effective date.

Respondent understands that Voluntary Surrender constitutes disciplinary action. Respondent also understands that she may not reapply for re-issuance during the period of Voluntary Surrender.

Respondent agrees that she may apply for re-issuance after the period of voluntary surrender under the following conditions, and must comply with current law at the time of their application for re-issuance:

The application for re-issuance must be in writing and shall contain therein or have attached thereto substantial evidence that the basis for the voluntary surrender has been removed and that the re-issuance of the license does not constitute a threat to the public's health, safety and welfare. The Board may require physical, psychological, or psychiatric evaluations, reports and affidavits regarding Respondent as it deems necessary. These conditions shall be met before the application for re-

issuance is considered.

Diane Casper

Respondent

Date:

Jan 8, 2010

ARIZONA STATE BOARD OF NURSING

SEAL

Joey Ridenour 1/8/2010

Joey Ridenour, R.N., M.N., F.A.A.N.

Executive Director

Dated: January 8, 2010

RAPPOPORT/RN155368/CASPER

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ORDER

Pursuant to A.R.S. § 32-1663 (D)(5) the Board hereby accepts the Voluntary Surrender of registered nurse license number RN155368, issued to DIANN LYNN CASPER. This Order of Voluntary Surrender hereby entered shall be filed with the Board and shall be made public upon the effective date of this Consent Agreement. Respondent shall not practice in Arizona under the privilege of a multistate license.

IT IS FURTHER ORDERED that Respondent may apply for re-issuance of said license after a period of five years.

SEAL

ARIZONA STATE BOARD OF NURSING

Joey Ridenour 1/8/2010  
Joey Ridenour, R.N., M.N., F.A.A.N.  
Executive Director

Dated: January 8, 2010

JR/mer

Signed in the Board Office this 8<sup>th</sup> day of January, 2010.

DIANN LYNN CASPER  
C/O MR. DOUG MAYER  
138 EAST BASELINE ROAD  
RUPERT, ID 83350

By: Mary E. Rappoport, RN, MN  
Mary E. Rappoport, RN, MN  
Nurse Practice Consultant

1 DANIEL E. LUNGREN, Attorney General  
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2 JOHN K. HOXIE,  
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110 West A Street, Suite 1100  
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5 Telephone: (619) 645-3037  
6 Attorneys for Complainant  
7

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation	)	NO. 98-86
12 Against:	)	
DIANN CASPER	)	L-1998020051
13 3594 4th Avenue	)	<u>STIPULATION IN</u>
14 San Diego, CA 92103	)	<u>SETTLEMENT AND DECISION</u>
Registered Nurse No. 372313	)	
15 Respondent.	)	
16	)	

17 In the interest of a prompt and speedy settlement of this  
18 matter, consistent with the public interest and the responsibility  
19 of the Board of Registered Nursing, Department of Consumer Affairs  
20 ("Board") the parties submit this Stipulation and Decision to the  
21 Board for its approval and adoption as the final disposition of the  
22 Accusation.

23 The parties stipulate the following is true:

24 1. An Accusation, No. 98-86, is currently pending  
25 against Diann Casper ("respondent"), before the Board. The  
26 Accusation, together with all other statutorily required documents,  
27 was duly served on the respondent on or about December 31, 1997,

1 and respondent filed Notice of Defense (contesting the Accusation)  
2 on or about January 13, 1998. A copy of Accusation No. 98-86 is  
3 attached as Attachment "A" and incorporated by reference as if  
4 fully set forth.

5 2. At all times relevant herein, respondent has been  
6 licensed by the Board of Registered Nursing under Registered Nurse  
7 No. 372313.

8 3. Respondent is not represented by counsel in this  
9 matter.

10 4. Respondent understands the nature of the charges  
11 alleged in the Accusation and that the charges and allegations  
12 constitute cause for imposing discipline upon her license to  
13 practice nursing. Respondent is fully aware of her right to a  
14 hearing on the charges and allegations contained in said  
15 Accusation, her right to reconsideration, appeal and all other  
16 rights accorded pursuant to the California Business and Professions  
17 Code and Government Code and freely and voluntarily waives such  
18 rights.

19 5. Respondent admits the truth of each and every  
20 allegation of the Accusation No. 98-86, and agrees that respondent  
21 has thereby subjected her license to discipline. Respondent agrees  
22 to the Board's imposition of penalty as set out in the Order below.

23 6. The parties agree that the Stipulation recited herein  
24 shall be null and void and not binding upon the parties unless  
25 approved by the Board, except for this paragraph, which shall  
26 remain in effect. The respondent understands and agrees that in  
27 deciding whether or not to adopt this Stipulation the Board may

1 receive oral and written communications from its staff and the  
2 Attorney General's office. Communications pursuant to this  
3 paragraph shall not disqualify the Board or other persons from  
4 future participation in this or any other matter affecting  
5 respondent. In the event the Board in its discretion does not  
6 approve this settlement, this Stipulation, with the exception of  
7 this paragraph, is withdrawn and shall be of no evidentiary value  
8 and shall not be relied upon or introduced in any disciplinary  
9 action by either party hereto. Respondent agrees that should the  
10 Board reject this Stipulation and if this case proceeds to hearing,  
11 respondent will assert no claim that the Board was prejudiced by  
12 its review and discussion of this Stipulation or of any records  
13 related hereto.

14           7. The parties agree that facsimile copies of this  
15 Stipulation, including facsimile signatures of the parties, may be  
16 used in lieu of original documents and signatures. The facsimile  
17 copies will have the same force and effect as originals.

18           8. In consideration of the foregoing admissions and  
19 findings, the parties agree that the Board may, without further  
20 notice of formal proceeding, issue and enter an Order as follows:

21                           ORDER

22           A. IT IS HEREBY ORDERED that Registered Nurse License  
23 number 372313 issued to respondent Diann Casper is revoked.  
24 However, said revocation is stayed and the aforementioned license  
25 is suspended for 12 months. Furthermore, during the 12-month  
26 suspension and continuing for two years thereafter, Respondent

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1 shall be placed on probation to the Board on the following terms  
2 and conditions:

3           1.    **ACTUAL SUSPENSION OF LICENSE**

4           As part of probation, respondent is suspended from the  
5 practice of nursing for 12 months beginning the effective date of  
6 this decision. The respondent will be responsible for informing  
7 her employer of the Board's decision, the reasons for and the  
8 length of suspension. Prior to the lifting of the actual  
9 suspension of license, the respondent will provide documentation of  
10 completion of educational courses or treatment rehabilitation.

11           2.    **PHYSICAL EXAMINATION**

12           Respondent, at her expense, within 45 days of the  
13 effective date of this decision, shall have a licensed physician  
14 submit, in a format acceptable to the Board, an assessment of the  
15 respondent's physical condition and capability to perform the  
16 duties of a professional registered nurse. If medically  
17 determined, a recommended treatment program will be instituted and  
18 followed by the respondent with the physician providing written  
19 reports to the Board on forms provided by the Board.

20           3.    **PARTICIPATE IN REHABILITATION PROGRAM FOR CHEMICAL**  
21                   **DEPENDENCE**

22           Respondent, at her expense, shall successfully complete  
23 or shall have successfully completed a treatment/rehabilitation  
24 program of at least six months duration which the Board approves.  
25 Reports shall be submitted by the program on forms provided by the  
26 Board. If respondent has not completed a treatment program prior  
27 to the commencement of probation, the respondent, within a



1 reasonable period of time as determined by the Board (but not  
2 exceeding 45 days from the effective date of the decision) shall be  
3 enrolled in a treatment program. If a treatment program is not  
4 successfully completed within the first nine months of probation,  
5 the Board will consider the respondent to be in violation of  
6 probation and will initiate further disciplinary action against the  
7 respondent's license.

8 In addition, respondent must attend two 12-step recovery  
9 meetings per week (e.g. Narcotics Anonymous, Alcoholic Anonymous,  
10 etc.) and a nurse support group as directed by the Board. If a  
11 nurse support group is not available, an additional 12-step meeting  
12 must be added. Respondent must submit dated and signed  
13 documentation confirming such attendance to the Board during the  
14 entire period of probation.

15 4. ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING)  
16 DRUGS

17 Respondent shall completely abstain from the possession,  
18 injection or consumption by any route of all psychotropic (mood  
19 altering) drugs, including alcohol, except when the same are  
20 lawfully prescribed by a licensed physician or dentist as part of  
21 documented medical treatment. Respondent shall have sent to the  
22 Board, in writing and within fourteen (14) days, by the prescribing  
23 physician or dentist, a report identifying the medication, dosage,  
24 the date the medication was prescribed, the respondent's prognosis,  
25 and the date the medication will no longer be required.

26 Respondent shall identify for the Board the single  
27 physician who shall be informed of respondent's history of

1 substance abuse. Respondent shall fully cooperate with the  
2 physician to coordinate and monitor any prescriptions for dangerous  
3 drugs, controlled substances, or mood-altering drugs prescribed to  
4 respondent. The coordinating physician must report to the Board on  
5 a quarterly basis respondent's compliance with this condition and  
6 a program for the time-limited use of any addictive substances.  
7 The Board may require that the single coordinating physician be a  
8 specialist in addictive medicine.

9                   **5. SUBMIT TO TESTS AND SAMPLES**

10               Respondent, at her expense, shall participate in a  
11 random, biological fluid testing or a drug screening program which  
12 the Board approves. The length of time and frequency will be  
13 subject to approval by the Board. The respondent is responsible  
14 for keeping the Board informed of respondent's current telephone  
15 number at all times and for ensuring that reports are submitted  
16 directly by the testing agency to the Board, as directed. Any  
17 confirmed positive finding shall be reported immediately to the  
18 Board by the program and the respondent will be considered in  
19 violation of probation.

20               In addition, respondent, at any time during the period of  
21 probation, shall fully cooperate with the Board or any of its  
22 representatives, and shall, when requested, submit to such tests  
23 and samples as the Board or its representatives may require for the  
24 detection of alcohol, narcotics, hypnotics, dangerous drugs, or  
25 other controlled substances.

26               If, while on probation, respondent submits a positive  
27 drug screen for any substance, including alcohol, not prescribed by

1 a physician or dentist and reported to the coordinating physician,  
2 respondent's license shall be immediately suspended and the Board  
3 shall file either a petition to revoke probation or an accusation  
4 against respondent's license. Respondent's license shall remain  
5 suspended pending the final decision on the petition to revoke or  
6 accusation.

7                   6.     **MENTAL HEALTH EXAMINATION**

8                   The respondent shall, within 45 days of the effective  
9 date of this decision, have a mental health examination including  
10 psychological testing as appropriate to determine her capability to  
11 perform the duties of a registered nurse. The examination will be  
12 performed by a psychiatrist, psychologist or other licensed mental  
13 health practitioner approved by the Board. The examining mental  
14 health practitioner will submit a written report of that assessment  
15 and recommendations to the Board. All costs are the responsibility  
16 of the respondent. Recommendations for treatment, therapy or  
17 counseling made as a result of the mental health examination will  
18 be instituted and followed by the respondent.

19                   7.     **THERAPY OR COUNSELING PROGRAM**

20                   Respondent, at her expense, shall participate in an on-  
21 going counseling program until such time as the Board releases her  
22 from this requirement and only upon the recommendation of the  
23 counselor. Written progress reports from the counselor will be  
24 required at various intervals.

25                   8.     **OBEY ALL LAWS**

26                   Respondent shall obey all federal, state and local laws,  
27 and all rules and regulations of the Board of Registered Nursing

1 governing the practice of nursing in California. A full and  
2 detailed account of any and all violations of law shall be reported  
3 by the respondent to the Board in writing within seventy-two (72)  
4 hours of occurrence. To permit monitoring of compliance with this  
5 term, respondent shall submit completed fingerprint cards and  
6 fingerprint fees within 45 days of the effective date of the  
7 decision, unless previously submitted as part of the licensure  
8 application process.

9           **9. COMPLY WITH PROBATION PROGRAM**

10           Respondent shall fully comply with the terms and  
11 conditions of the Probation Program established by the Board and  
12 cooperate with representatives of the Board in its monitoring and  
13 investigation of the respondent's compliance with the Program.  
14 Respondent shall inform the Board in writing within no more than 15  
15 days of any address change and shall at all times maintain an  
16 active, current license status with the Board, including during any  
17 period of suspension.

18           **10. REPORT IN PERSON**

19           Respondent, during the period of probation, shall appear  
20 in person at interviews/meetings as directed by the Board or its  
21 designated representatives.

22           **11. ABSENCE FROM STATE**

23           Periods of residency or practice outside of California  
24 will not apply to the reduction of this probationary term. The  
25 respondent must provide written notice to the Board within 15 days  
26 of any change of residency or practice outside the state.

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1                   12.    **SUBMIT WRITTEN REPORTS**

2                   Respondent, during the period of probation, shall submit  
3 such written reports/declarations and verification of actions under  
4 penalty of perjury, as are required. These declarations shall  
5 contain statements relative to respondent's compliance with all the  
6 terms and conditions of the Board's Probation Program. Respondent  
7 shall immediately execute all release of information forms as may  
8 be required by the Board or its representatives.

9                   13.    **FUNCTION AS A REGISTERED NURSE**

10                  Respondent, following the 12-month suspension and during  
11 the remaining two-year period of probation, shall engage in the  
12 practice of professional nursing in California for a minimum of 24  
13 hours per week, or as determined by the Board, for 6 consecutive  
14 months. Per Section 2732 of the Business and Professions Code, no  
15 person shall engage in the practice of registered nursing without  
16 holding a license which is in an active status.

17                  14.    **NURSING PRACTICE**

18                  The Board shall be informed of and approve of each agency  
19 for which respondent provides nursing services prior to  
20 respondent's commencement of work. The respondent shall inform  
21 her employer of the reason for and the terms and conditions of  
22 probation and shall provide a copy of the Board's decision and  
23 order to her employer and immediate supervisor. The employer shall  
24 submit performance evaluations and other reports as requested by  
25 the Board. Respondent is also required to notify the Board in  
26 writing within seventy-two (72) hours after termination of any

27    \\ \\ \\

1 nursing employment. Any notification of termination shall contain  
2 a full explanation of the circumstances surrounding it.

3           **15. SUPERVISION**

4           The Board shall be informed of and approve of the level  
5 of supervision provided to the respondent while she is functioning  
6 as a registered nurse. The appropriate level of supervision must  
7 be approved by the Board prior to commencement of work. Respondent  
8 shall practice only under the direct supervision of a registered  
9 nurse in good standing (no current discipline) with the Board of  
10 Registered Nursing. Respondent shall identify for the Board the  
11 single physician who shall be informed of respondent's history of  
12 substance abuse. Respondent shall fully cooperate with the  
13 physician to coordinate and monitor any prescriptions for dangerous  
14 drugs, controlled substances, or mood-altering drugs prescribed to  
15 respondent. The coordinating physician must report to the Board on  
16 a quarterly basis respondent's compliance with this condition and  
17 a program for the time-limited use of any addictive substances.  
18 The Board may require that the single coordinating physician be a  
19 specialist in addictive medicine.

20           **16. EMPLOYMENT LIMITATIONS**

21           Respondent may not work for a nurse registry; temporary  
22 nurse agency; home care agency; in-house nursing pool; as a nursing  
23 supervisor; as a faculty member in an approved school of nursing;  
24 or as an instructor in a Board approved continuing education  
25 program. Respondent must work only on regularly assigned,  
26 identified and predetermined worksite(s) with appropriate  
27 supervision as approved by the Board. If, while on probation,

1 respondent submits a positive drug screen for any substance,  
2 including alcohol, not prescribed by a physician or dentist and  
3 reported to the coordinating physician, respondent's license shall  
4 be immediately suspended and the Board shall file either a petition  
5 to revoke probation or an accusation against respondent's license.  
6 Respondent's license shall remain suspended pending the final  
7 decision on the petition to revoke or accusation.

8           17. COMPLETE A NURSING COURSE

9           Respondent, at her expense, shall begin and successfully  
10 complete a course in nursing as directed by the Board prior to  
11 engaging in the practice of nursing and prior to the end of the  
12 probationary term.

13           The respondent may be suspended from practicing nursing  
14 until the necessary coursework is completed. The content of such  
15 course and the place and conditions of instruction shall be  
16 specified by Board representatives at the time of the initial  
17 probation meeting based on the nature of the violation. Specific  
18 courses must be approved prior to enrollment. The respondent must  
19 submit written proof of enrollment and proof of successful  
20 completion. Transcripts or certificates of completion must be  
21 mailed directly to the Board by the agency or entity instructing  
22 the respondent. Home study or correspondence courses are not  
23 acceptable and will not be approved.

24           18. COST RECOVERY

25           Respondent shall pay to the Board costs associated with  
26 its investigation and enforcement pursuant to Business and  
27 Professions Code section 125.3 in the amount of \$1,686.00.

1 Respondent shall be permitted to pay these costs in a payment plan  
2 approved by the Board, with payments to be completed no later than  
3 three months prior to the end of the probation term.

4 19. VIOLATION OF PROBATION

5 If respondent violates the conditions of her probation,  
6 the Board after giving respondent notice and an opportunity to be  
7 heard, may set aside the stay order and impose the stayed  
8 revocation of the respondent's license.

9 If during the period of probation, an accusation or  
10 petition to revoke probation has been filed against respondent's  
11 license or the Attorney General's Office has been requested to  
12 prepare an accusation or petition to revoke probation against  
13 respondent's license, the probationary period shall automatically  
14 be extended and shall not expire until the accusation or petition  
15 has been acted upon by the Board. Upon successful completion of  
16 probation, the respondent's license will be fully restored.

17 B. Accusation No. 98-86 Paragraphs Numbers 1 through 9,  
18 inclusive, are admitted.

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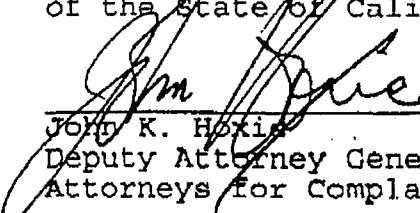


1 C. The within Stipulation shall be subject to the  
2 approval of the Board. If the Board fails to adopt this  
3 Stipulation as its Order, the Stipulation shall be of no force or  
4 effect for either party.

5 I concur in the Stipulation and Order.

6 DATED: 9/29/98

7 DANIEL E. LUNGREN, Attorney General  
8 of the State of California

9   
10 JOHN K. HOXIE  
11 Deputy Attorney General  
Attorneys for Complainant

12 I have carefully read and fully understand the  
13 Stipulation and Order set forth above. I understand that in  
14 signing this Stipulation I am waiving my right to a hearing on the  
15 charges set forth in the Accusation on file in this matter. I  
16 further understand that in signing this Stipulation the Board may  
17 enter the foregoing order placing certain requirements,  
18 restrictions and limitations on my right to practice nursing in the  
19 State of California. I agree that a facsimile copy of this  
20 Stipulation, including a facsimile copy of my signature may be used  
21 with the same force and effect as the originals.

22 DATED: Sept. 27, 1998

23  
24   
25 DIANN CASPER  
26 Respondent

27 Case # 98-86

1                                   DECISION AND ORDER  
2                                   OF THE BOARD OF REGISTERED NURSING

3                   The foregoing Stipulation and Order, in No. 98-86, is  
4 hereby adopted as the Order of the California Board of Registered  
5 Nursing. An effective date of May 27, 1999, has been assigned  
6 to this Decision and Order.

7                   Made this 27th day of April, 1999.

8                                   *May Jo G. Albrecht*  
9                                   \_\_\_\_\_  
10                                  FOR THE BOARD OF REGISTERED NURSING

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1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 JOHN K. HOXIE, State Bar No. 162434  
Deputy Attorney General  
3 110 West A Street, Suite 1100  
P. O. Box 85266  
4 San Diego, California 92186-5266  
Telephone: (619) 645-3037  
5  
6 Attorneys for Complainant and Petitioner  
7

8 BEFORE THE  
9 BOARD OF REGISTERED NURSING  
10 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

11 In the Matter of the Accusation and ) NO. 98-86  
12 Petition to Revoke Probation Against: )  
13 DIANN CASPER ) ACCUSATION AND  
14 12807 Rife Way ) PETITION TO REVOKE  
San Diego, CA 92129-2322 ) PROBATION  
15 Registered Nurse )  
License No. 372313, )  
16 Respondent. )

17  
18 Ruth Ann Terry, M.P.H., R.N., alleges:  
19

20 1. Complainant and Petitioner Ruth Ann Terry, M.P.H.,  
21 R.N., makes and files this Accusation and Petition to Revoke  
22 Probation in her official capacity as Executive Officer, Board of  
23 Registered Nursing, Department of Consumer Affairs.  
24

25 2. On May 31, 1984, the Board of Registered Nursing  
26 issued registered nurse license number 372313 to Diann Casper  
27 (respondent herein). The license was in full force and effect at

1 all times pertinent herein and has been renewed through  
2 February 28, 1999.

3

4 3. Under Business and Professions Code section 2750,  
5 the Board of Registered Nursing may discipline any licensee,  
6 including a licensee holding a temporary or an inactive license,  
7 for any reason provided in Article 3 of the Nursing Practice Act.

8 Under Business and Professions Code section 125.3, the  
9 Board of Registered Nursing may request the administrative law  
10 judge to direct a licensee found to have committed a violation  
11 or violations of the licensing act to pay a sum not to exceed the  
12 reasonable costs of the investigation and enforcement of the  
13 case.

14

15 4. DRUGS

16 "Barbiturates" are Schedules II, III and IV controlled  
17 substances as designated by Health and Safety Code sections  
18 11055(e), 11056(c) and 11057(d).

19 "Marijuana" is a Schedule I controlled substance as  
20 designated by Health and Safety Code section 11054(d)(13).

21 "Opiates" are Schedules I and II controlled substances  
22 as designated by Health and Safety Code sections 11054(b) and  
23 11055(c).

24

25 5. Respondent has subjected her license to discipline  
26 under Business and Professions Code section 2761(a) on the

27 / / /

1 grounds of unprofessional conduct, as defined by section 2762(a)  
2 of that code, in the following respects:

3 a. On or about March 19, 1997, and March 31, 1997,  
4 respondent self-administered Barbiturates, Opiates and Marijuana  
5 without having a prescription from a licensed physician, dentist,  
6 or podiatrist. Toxicology reports dated March 25, 1997, and  
7 April 3, 1997, revealed that respondent's biological fluid tested  
8 positive for the drugs.

9 b. On or about April 23, 1997, and May 7, 1997,  
10 respondent self-administered Marijuana without having a  
11 prescription from a licensed physician, dentist, or podiatrist.  
12 Toxicology reports dated April 29, 1997, May 9, 1997, and May 12,  
13 1997, revealed that respondent's biological fluid tested positive  
14 for the drug.

15  
16 6. Respondent has subjected her license to discipline  
17 under Business and Professions Code sections 2761(a) and 2762 on  
18 the grounds of unprofessional conduct by reason of her conduct as  
19 set forth in paragraph 5 above.

20

21 PETITION TO REVOKE PROBATION

22 7. The allegations of paragraphs 1 through 6 of the  
23 Accusation are incorporated herein by reference as if fully set  
24 forth and are realleged.

25 8. On April 3, 1997, pursuant to the Stipulation,  
26 Decision and Order adopted by the Board in Accusation and  
27 Petition to Revoke Probation No. 96-167, OAH No. N9606084,

1 respondent's license was revoked. However, the revocation was  
2 stayed and respondent was placed on three (3) years' probation  
3 with terms and conditions, including the requirement that  
4 respondent was to: (1) Obey all federal, state, and local laws,  
5 and all rules and regulations of the Board governing the practice  
6 of nursing in California (Condition 1); (2) Fully and completely  
7 comply with the probation program established by the Board and  
8 cooperate with representatives of the Board (Condition 2);  
9 (3) Reimburse the Board for its recovery costs (Condition  
10 No. 11); and (4) Completely abstain from possession, injection,  
11 or consumption by any route of all psychotropic (mood-altering)  
12 drugs, including alcohol, unless lawfully prescribed by a  
13 licensed physician or dentist as part of documented medical  
14 treatment (Condition 15).

15           9. Grounds exist to vacate the stay and reimpose the  
16 order of revocation of respondent's registered nurse license in  
17 that she failed to comply with the terms and conditions as set  
18 forth below:

19           a. Respondent failed to obey all laws, rules and  
20 regulations of the Board governing the practice of nursing in  
21 California, as required by Condition No. 1, in that on or about  
22 April 23, 1997, and May 7, 1997, she violated the Nursing  
23 Practice Act by reason of her conduct as set forth in paragraph  
24 5, subparagraph b. above.

25           b. Respondent failed to reimburse the Board for its  
26 recovery costs, as required by Condition No. 11.

27           c. Respondent failed to abstain from the unlawful use

1 of drugs, as required by Condition No. 15, in that on or about  
2 April 23, 1997, and May 7, 1997, she used Marijuana as evidenced  
3 by toxicology reports dated April 29, 1997, May 9, 1997, and May  
4 12, 1997.

5 d. Respondent failed to fully comply with the terms  
6 and conditions of the Probation Program established by the Board  
7 as set forth in subparagraphs a. and c. above, as required by  
8 Condition No. 2.

9  
10 WHEREFORE, complainant and petitioner prays that a  
11 hearing be held and that the Board of Registered Nursing make its  
12 order:

13 1. Revoking or suspending registered nurse license  
14 number 372313, issued to Diann Casper.

15 2. Revoking probation and reimposing the order of  
16 revocation of registered nurse license number 372313, issued to  
17 Diann Casper.

18 3. Ordering Diann Casper to pay to the Board its costs  
19 in investigating and enforcing the case according to proof at the  
20 hearing, pursuant to Business and Professions Code section 125.3.

21 4. Taking such other and further action as may be  
22 deemed proper and appropriate.

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DATED: 12/12/97

Ruth Ann Terry

RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

Complainant and Petitioner

03579-110-SD97AD0703  
(10/22/97)



1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 JOEL S. PRIMES, Supervising  
Deputy Attorney General  
3 JUNE LaVERNE LONG, State Bar No. 74716  
Deputy Attorney General  
4 1300 I Street, Suite 125  
P.O. Box 944255  
5 Sacramento, California 94244-2550  
Telephone: (916) 324-4618  
6

7 Attorneys for Complainant and Petitioner

8 BEFORE THE  
BOARD OF REGISTERED NURSING  
9 DEPARTMENT OF CONSUMER AFFAIRS  
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation and  
Petition to Revoke Probation Against:

12 DIANN LYNN CASPER  
13 420 Norfolk Drive  
Pacifica, California 94044  
14 License No. 372313

15 Respondent.  
16

) NO. 96-167

) OAH NO. N9606084

) STIPULATION, DECISION  
) AND ORDER

17 1. The Board of Registered Nursing (hereinafter "Board"), its legal  
18 counsel, Daniel E. Lungren, Attorney General, by and through Deputy Attorney General  
19 June LaVerne Long and respondent Diann Lynn Casper, R.N. (hereinafter "respondent"),  
20 by and through her legal counsel Deborah L. Phillips, Esq. of BARDELLINI, STRAW &  
21 CAVIN, Attorneys at Law, 3160 Crow Canyon Road, Suite 295, San Ramon, California  
22 94583, agree that the purpose of this Stipulation, Decision and Order (hereinafter  
23 "stipulation") is to remove from dispute the allegations and charges made against respondent  
24 in case number 96-167.

25 2. Respondent understands that the admissions made in the stipulation may  
26 be used in any other proceeding before the Board, or in any other action taken by or before  
27

1 any governmental body responsible for licensing or disciplining licensees. Respondent's  
2 admissions are not admissible in any civil or criminal action.

3         3. The admissions made in this stipulation shall be null, void and of no  
4 legal effect, in whole or part, if the Bureau does not adopt the stipulation as its decision and  
5 order.

6         4. Respondent agrees that: (1) the admissions made in the stipulation by  
7 respondent constitutes a proper and factual basis for issuance of a disciplinary order by the  
8 Board; (2) the disciplinary order of the Board may be issued without the convening of an  
9 administrative hearing and the introduction of oral and documentary evidence against  
10 respondents; (3) that the matters set forth in paragraphs numbered one through fifteen are  
11 true and correct; and (4) that respondent's signature by facsimile and her counsel's signature  
12 by facsimile may be held as legal and binding for purposes of this stipulation.

13         5. Complainant Ruth Ann Terry, M.P.H., R.N., filed an Accusation with  
14 Petition to Revoke Probation (hereinafter "accusation") number 96-167 in her official  
15 capacity as Executive Officer for the Board. Respondent was duly and properly served with  
16 said accusation and filed a timely notice of defense in this matter.

17         6. On May 31, 1984, the Board issued registered nurse license number  
18 372313 to respondent. On May 15, 1988, the Board revoked respondent's license in  
19 proceeding number 87-100. Effective October 6, 1989, a petition for reinstatement was  
20 denied in proceeding number N-34135. Effective February 4, 1991, a petition for  
21 reinstatement was denied in proceeding number N-37138. On June 26, 1993, the Board  
22 reinstated the license and placed respondent on probation under terms and conditions, in  
23 proceeding number N-42950. Condition (11) of the probation order required respondent to  
24 abstain from the possession, injection or consumption by any route of all psychotropic (mood  
25 altering) drugs, including alcohol, unless lawfully prescribed by a licensed physician or  
26 dentist. Condition (2) of the probation order required her to fully comply with the terms and  
27

1 conditions of the Probation Program established by the Board and to cooperate with  
2 representatives of the Board. The license will expire on February 28, 1997, unless renewed.

3       7. Under Business and Professions Code section 125.3, the Board may  
4 request a licensee found to have committed a violation of its statutes to pay a sum related to  
5 the reasonable costs of the investigation and enforcement of this case. Respondent is to pay  
6 to the Board the amount of \$871.00 (see Attachment A) pursuant to the terms and conditions  
7 set forth in its Order in this matter.

8       8. Respondent has been fully advised of her rights under the Administrative  
9 Procedure Act of the State of California by her counsel, including her rights to a formal  
10 hearing and the opportunity to defend the charges contained in the accusation and  
11 reconsideration and appeal of any adverse decision that might be rendered following a formal  
12 hearing. Respondent knowingly and intelligently waives her rights to a hearing,  
13 reconsideration, and appeal regarding the captioned accusation and to any and all other rights  
14 which may be accorded her pursuant to the Administrative Procedure Act of the State of  
15 California, or otherwise, regarding the charges contained in the captioned accusation.

16       9. It is understood by respondent that, in deciding whether to adopt this  
17 stipulation, the Board may receive oral and written communications from its staff and the  
18 Attorney General's office. Communications pursuant to this paragraph shall not disqualify  
19 the Board or other persons from future participation in this or any other matter affecting  
20 respondent. In the event this settlement is not adopted by the Board, the stipulation will not  
21 become effective and may not be used for any purpose, except for this paragraph, which  
22 shall remain in effect.

23       10. Under Business and Professions Code section 2750, the Board may  
24 discipline any licensee, including a licensee holding a temporary or an inactive license, for  
25 any reason provided in Article 3 of the Nursing Practice Act.

26 ///

27

1                   11.   DRUGS

2                   "Marijuana" (sometimes referred to a "cannabinoid"), is a Schedule I  
3 controlled-substance as designated by Health and Safety Code section 11054(d)(13).

4                   12.   A.   Complainant hereby amends paragraph 12B of the stipulation  
5 (paragraph 5 of the accusation) by interlineation at line 16 to show the year as 1996;

6                   B.   Respondent's license is subject to discipline under Business and  
7 Professions Code section 2761(a) on the grounds of unprofessional conduct as defined in  
8 section 2762(a) of that code in that on or about February 6, 1996, respondent self-  
9 administered marijuana, a controlled substance, as evidenced by a positive result from the  
10 biological fluid testing conducted pursuant to the terms and conditions of probation, as set  
11 forth in paragraph 5, above, without lawful prescription therefor.

12                   13.   Respondent's license is subject to discipline under Business and  
13 Professions Code section 2761(a) in that respondent's conduct, as set forth in paragraph 12B  
14 constitutes unprofessional conduct.

15  
16                   PETITION TO REVOKE PROBATION

17                   14.   Respondent's probation is subject to revocation in that she has not  
18 complied with Condition (11) of the probation order by failing to completely abstain from  
19 the possession, injection or consumption by any route of all psychotropic drugs, including  
20 alcohol, unless lawfully prescribed by a licensed physician or dentist, as set forth in  
21 paragraph 12B.

22                   15.   Respondent's probation is subject to revocation in that she has not  
23 complied with Condition (2) of the probation order which required her to fully comply with  
24 the terms and conditions of the Probation Program established by the Board and cooperate  
25 with Board representatives, as set forth in paragraph 12B.

26   ///

ORDER

Based on the foregoing, it is stipulated that the Board may issue the following decision and order:

Respondent's license is revoked. However, said revocation is stayed and respondent's license is placed on three years' probation upon the following terms and conditions.

(1) OBEY ALL LAWS - Respondent shall obey all federal, state and local laws, and all rules and regulations of the Board of Registered Nursing governing the practice of nursing in California. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this term, respondent shall submit completed fingerprint cards and fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

(2) COMPLY WITH PROBATION PROGRAM - Respondent shall fully comply with the terms and conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with the Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

(3) REPORT IN PERSON - Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

(4) ABSENCE FROM STATE - Periods of residency or practice outside of California will not apply to the reduction of this probationary term. The respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state.

1 (5) SUBMIT WRITTEN REPORTS - Respondent, during the period of  
2 probation, shall submit such written reports/declarations and verification of actions under  
3 penalty of perjury as are required. These declarations shall contain statements relative to  
4 respondent's compliance with all the terms and conditions of the Board's Probation Program.  
5 Respondent shall immediately execute all release of information forms as may be required  
6 by the Board or its representatives.

7 (6) FUNCTION AS A REGISTERED NURSE - Respondent, during the  
8 period of probation, shall engage in the practice of professional nursing in California for a  
9 minimum of 24 hours per week (or as determined by the Board) for 6 consecutive months.  
10 Per Section 2732 of the Business and Professions Code, no person shall engage in the  
11 practice of registered nursing without holding a license which is in an active status.

12 (7) NURSING PRACTICE - The Board shall be informed of and approve  
13 of each agency for which the respondent provides nursing services prior to respondent's  
14 commencement of work. The respondent shall inform her employer of the reason for and  
15 the terms and conditions of probation and shall provide a copy of the Board's decision and  
16 order to her employer and immediate supervisor. The employer shall submit performance  
17 evaluations and other reports as requested by the Board. Respondent is also required to  
18 notify the Board in writing within seventy-two (72) hours after termination of any nursing  
19 employment. Any notification of termination shall contain a full explanation of the  
20 circumstances surrounding it.

21 (8) SUPERVISION - The Board shall be informed of and approve of the  
22 level of supervision provided to the respondent while she is functioning as a registered nurse.  
23 The appropriate level of supervision must be approved by the Board prior to commencement  
24 of work. Respondent shall practice only under the direct supervision of a registered nurse  
25 in good standing (no current discipline) with the Board of Registered Nursing.

26 (9) EMPLOYMENT LIMITATIONS - Respondent may not work for a  
27 nurse registry; temporary nurse agency; home care agency; in-house nursing pool; as a

1 nursing supervisor; as a faculty member in an approved school of nursing; or as an instructor  
2 in a Board approved continuing education program. Respondent must work only on  
3 regularly-assigned, identified and predetermined worksite(s) with appropriate supervision as  
4 approved by the Board.

5 (10) COMPLETE A NURSING COURSE(S) - Respondent at her expense,  
6 shall begin and successfully complete a course(s) in nursing as directed by the Board prior  
7 to engaging in the practice of nursing and prior to the end of the probationary term.

8 The respondent may be suspended from practicing nursing until the necessary  
9 coursework is completed. The content of such course(s) and the place and conditions of  
10 instruction shall be specified by Board representatives at the time of the initial probation  
11 meeting based on the nature of the violation(s). Specific courses must be approved prior to  
12 enrollment. The respondent must submit written proof of enrollment and proof of successful  
13 completion. Transcripts or certificates of completion must be mailed directly to the Board  
14 by the agency or entity instructing the respondent.

15 Home study or correspondence courses are not acceptable and will not be  
16 approved.

17 (11) COST RECOVERY - Respondent shall pay to the Board costs  
18 associated with its investigation and enforcement pursuant to Business and Professions Code  
19 section 125.3 in the amount of \$871.00. Respondent shall be permitted to pay these costs  
20 in a payment plan approved by the Board, with payments to be completed no later than three  
21 months prior to the end of the probation term.

22 (12) VIOLATION OF PROBATION - If a respondent violates the conditions  
23 of her probation, the Board after giving the respondent notice and an opportunity to be  
24 heard, may set aside the stay order and impose the stayed discipline (revocation/suspension)  
25 of the respondent's license.

26 If during the period of probation, an accusation or petition to revoke probation  
27 has been filed against respondent's license or the Attorney General's Office has been

1 requested to prepare an accusation or petition to revoke probation against the respondent's  
2 license, the probationary period shall automatically be extended and shall not expire until the  
3 accusation or petition has been acted upon by the Board. Upon successful completion of  
4 probation, the respondent's license will be fully restored.

5 (13) PHYSICAL EXAMINATION - Respondent, at her expense, within  
6 45 days of the effective date of this decision, shall have a licensed physician submit, in a  
7 format acceptable to the Board, an assessment of the respondent's physical condition and  
8 capability to perform the duties of a professional registered nurse. If medically determined,  
9 a recommended treatment program will be instituted and followed by the respondent with the  
10 physician providing written reports to the Board on forms provided by the Board.

11 (14) PARTICIPATE IN REHABILITATION PROGRAM FOR CHEMICAL  
12 DEPENDENCE - Respondent, at her expense, shall successfully complete or shall have  
13 successfully completed a treatment/rehabilitation program of at least six months duration  
14 which the Board approves. Reports shall be submitted by the program on forms provided  
15 by the Board. If respondent has not completed a treatment program prior to commencement  
16 of probation, the respondent, within a reasonable period of time as determined by the Board  
17 (but not exceeding 45 days from the effective date of the decision) shall be enrolled in a  
18 treatment program. If a treatment program is not successfully completed within the first nine  
19 months of probation, the Board will consider the respondent to be in violation of probation  
20 and will initiate further disciplinary action against the respondent's license.

21 In addition, respondent must attend two 12-step recovery meetings per week  
22 (e.g., Narcotics Anonymous, Alcoholic Anonymous, etc.) and a nurse support group as  
23 directed by the Board. If a nurse support group is not available, an additional 12-step  
24 meeting must be added. Respondent must submit dated and signed documentation confirming  
25 such attendance to the Board during the entire period of probation.

26 (15) ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING)  
27 DRUGS - Respondent shall completely abstain from the possession, injection or consumption



1 by any route of all psychotropic (mood altering) drugs, including alcohol, except when the  
2 same are lawfully prescribed by a licensed physician or dentist as part of documented  
3 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen  
4 (14) days, by the prescribing physician or dentist, a report identifying the medication,  
5 dosage, the date the medication was prescribed, the respondent's prognosis, and the date the  
6 medication will no longer be required.

7 (16) SUBMIT TO TESTS AND SAMPLES - Respondent, at her expense,  
8 shall participate in a random, biological fluid testing or a drug screening program which the  
9 Board approves. The length of time and frequency will be subject to approval by the Board.  
10 The respondent is responsible for keeping the Board informed of respondent's current  
11 telephone number at all times and for ensuring that reports are submitted directly by the  
12 testing agency to the Board, as directed. Any confirmed positive finding shall be reported  
13 immediately to the Board by the program and the respondent will be considered in violation  
14 of probation.

15 In addition, respondent, at any time during the period of probation shall fully  
16 cooperate with the Board or any of its representatives, and shall, when requested, submit to  
17 such tests and samples as the Board or its representatives may require for the detection of  
18 alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

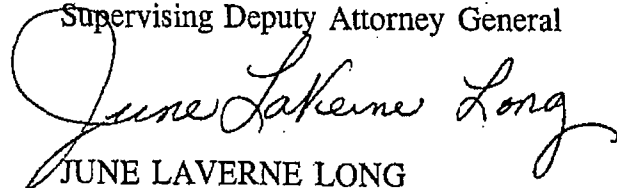
19 (17) MENTAL HEALTH EXAMINATION --The respondent shall, within  
20 45 days of the effective date of this decision, have a mental health examination including  
21 psychological testing as appropriate to determine her capability to perform the duties of a  
22 registered nurse. The examination will be performed by a psychiatrist, psychologist or other  
23 licensed mental health practitioner approved by the Board. The examining mental health  
24 practitioner will submit a written report of that assessment and recommendations to the  
25 Board. All costs are the responsibility of the respondent. Recommendations for treatment,  
26 therapy or counseling made as a result of the mental health examination will be instituted and  
27 followed by the respondent.

1 (18) THERAPY OR COUNSELING PROGRAM - Respondent, at her  
2 expense, shall participate in an ongoing counseling program until such time as the Board  
3 releases her from this requirement and only upon the recommendation of the counselor.  
4 Written progress reports from the counselor will be required at various intervals.

5 DATED: November 7, 1996

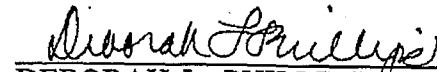
6 Respectfully Submitted,

7 DANIEL E. LUNGREN  
8 Attorney General of the State of California  
9 JOEL S. PRIMES  
10 Supervising Deputy Attorney General

11   
12 JUNE LAVERNE LONG  
13 Deputy Attorney General

14 Attorneys for Complainant

15 DATED: October 15, 1996

16   
17 DEBORAH L. PHILLIPS, Esq.  
18 BARDELLINI, STRAW & CAVIN

19 Attorneys for Respondent  
20  
21  
22  
23  
24  
25  
26  
27

03579-110-SA96AD0569

1                   **WAIVER, ACKNOWLEDGEMENT AND AGREEMENT**

2                   I have read the Stipulation, Decision and Order. I understand that I have a  
3 right to a hearing on the charges contained in the captioned accusation, the right to cross-  
4 examine witnesses and introduce evidence in mitigation at said hearing, and the right to  
5 appeal from any adverse decision. I knowingly and intelligently waive all these rights, and  
6 I understand that by signing this stipulation and agreement I am agreeing that the Board of  
7 Registered Nursing may impose disciplinary action against my registered nurse license  
8 number 372313, based on my admissions in paragraphs one through fifteen of accusation  
9 number 96-167.

10                  I understand that if I violate probation in any manner, all allegations set forth  
11 in the stipulation will be deemed admitted, and I will put on evidence in mitigation at a  
12 hearing. I understand the terms and ramifications of the Stipulation, Decision and Order and  
13 I agree to be bound by all of its terms and conditions.

14  
15 DATED: Oct. 10, 96

Diann Lynn Casper  
DIANN LYNN CASPER, R.N.  
Respondent

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DATED: March 4, 1997

PRESIDENT, Board of Registered Nursing

ATTACHMENT A

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 JOEL S. PRIMES, State Bar No. 42568  
Supervising Deputy Attorney General  
3 JUNE LAVERNE LONG, State Bar No. 74716  
Deputy Attorney General  
4 1300 I Street, Suite 125  
P. O. Box 944255  
5 Sacramento, California 94244-2550  
Telephone: (916) 324-4618  
6  
7 Attorneys for Complainant and Petitioner  
8  
9

10 BEFORE THE  
11 BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
12 STATE OF CALIFORNIA

13 In the Matter of the Accusation and	)	NO. 96-167
14 Petition to Revoke Probation Against:	)	
DIANN LYNN CASPER	)	ACCUSATION
15 420 Norfolk Drive	)	AND
Pacifica, California 94044	)	PETITION
16 License No. 372313	)	TO REVOKE
	)	<u>PROBATION</u>
17 Respondent.	)	

18  
19 Ruth Ann Terry, M.P.H., R.N., alleges:  
20

21 1. Petitioner Ruth Ann Terry, M.P.H., R.N., makes and  
22 files this accusation and petition to revoke probation in her  
23 official capacity as Executive Officer, Board of Registered  
24 Nursing, Department of Consumer Affairs.  
25

26 2. On May 31, 1984, the Board of Registered Nursing  
27 issued registered nurse license number 372313 to Diann Lynn

1 Casper (hereinafter "respondent"). On May 15, 1988, the Board of  
2 Registered Nursing revoked respondent's license in proceeding  
3 number 87-100. Effective October 6, 1989, a petition for  
4 reinstatement was denied in proceeding number N-34135. Effective  
5 February 4, 1991, a petition for reinstatement was denied in  
6 proceeding number N-37138. On June 26, 1993, the Board  
7 reinstated the license and placed respondent on probation under  
8 terms and conditions, in proceeding number N-42950. Condition  
9 (11) of the probation order required respondent to abstain from  
10 the possession, injection or consumption by any route of all  
11 psychotropic (mood altering) drugs, including alcohol, unless  
12 lawfully prescribed by a licensed physician or dentist.  
13 Condition (2) of the probation order required her to fully comply  
14 with the terms and conditions of the Probation Program  
15 established by the Board and to cooperate with representatives of  
16 the Board. The license will expire on February 28, 1997, unless  
17 renewed.

18  
19 3. Under Business and Professions Code section 2750,  
20 the Board of Registered Nursing may discipline any licensee,  
21 including a licensee holding a temporary or an inactive license,  
22 for any reason provided in Article 3 of the Nursing Practice Act.

23 Under Business and Professions Code section 2764, the  
24 expiration of a license shall not deprive the Board of Registered  
25 Nursing of jurisdiction to proceed with a disciplinary proceeding  
26 against the licensee or to render a decision imposing discipline  
27 on the license.

1 Under Business and Professions Code section 125.3, the  
2 Board of Registered Nursing may request the administrative law  
3 judge to direct a licentiate found to have committed a violation  
4 or violations of the licensing act to pay a sum not to exceed the  
5 reasonable costs of the investigation and enforcement of the  
6 case.

7  
8 4. DRUGS

9 "Marijuana" (sometimes referred to as "cannabinoid"),  
10 is a Schedule I controlled substance as designated by Health and  
11 Safety Code section 11054(d)(13).  
12

13 5. Respondent has subjected her license to discipline  
14 under Business and Professions Code section 2761(a) on the  
15 grounds of unprofessional conduct as defined in section 2762(a)  
16 of that code in that on or about February 6, 1995, respondent  
17 self-administered marijuana, a controlled substance, as evidenced  
18 by a positive result from the biological fluid testing conducted  
19 pursuant to the terms and conditions of probation, as set forth  
20 in paragraph 2, above, without lawful prescription therefor.  
21

22 6. Respondent has subjected her license to discipline  
23 under Business and Professions Code section 2761(a) in that  
24 respondent's conduct, as set forth in paragraph 5 constitutes  
25 unprofessional conduct.

26 ///

27 ///



PETITION TO REVOKE PROBATION

7. Grounds exist to revoke probation in that respondent did not comply with Condition (11) of the probation order by failing to completely abstain from the possession, injection or consumption by any route of all psychotropic drugs, including alcohol, unless lawfully prescribed by a licensed physician or dentist, as set forth in paragraph 5.

8. Grounds exist to revoke probation in that respondent did not comply with Condition (2) of the probation order which required her to fully comply with the terms and conditions of the Probation Program established by the Board and cooperate with Board representatives, as set forth in paragraph 5.

WHEREFORE, complainant prays that a hearing be held and that the Board of Registered Nursing make its order:

1. Revoking or suspending registered nurse license number 372313, issued to Diann Lynn Casper.

2. Revoking probation or reimposing the order revoking registered nurse license number 372313, issued to Diann Lynn Casper.

3. Ordering Diann Lynn Casper to pay to the Board its costs for investigation and enforcement of the case according to proof at the hearing, pursuant to Business and Professions Code section 125.3.

4. Taking such other and further action as may be

1 deemed proper and appropriate.

2 DATED: May 20, 1996

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Ruth Ann Terry  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

Complainant

03579110-  
SA96AD0569  
960430.DBG

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition  
for Reinstatement of:

DIANN LYNN CASPER,

Registered Nurse  
License Number M 372313

Petitioner.

OAH NO. N-42950

DECISION

On April 22, 1993, in Sacramento, California, a quorum of the Board of Registered Nursing, Department of Consumer Affairs, State of California, heard this matter. Stephen J. Smith, Administrative Law Judge, Office of Administrative Hearings presided, but did not participate in the making of the Decision.

Luana Martilla, Deputy Attorney General, Department of Justice, State of California, represented the Attorney General of the State of California.

Petitioner appeared in person without an attorney and represented herself.

Evidence was received, the record was closed and the matter was submitted and considered in a closed Executive Session of the Board.

FINDINGS OF FACT

I

On May 31, 1984, Diann Lynn Casper (hereinafter "petitioner") was issued license number M 372313 to practice as a

Registered Nurse by the Board of Registered Nursing ("the Board"), Department of Consumer Affairs, State of California. Petitioner has been previously licensed as a Registered Nurse in the States of Utah, Oregon and Idaho commencing with first licensure in August 1980. Each of these licenses have been denied renewal by the respective regulatory agencies of those states, due to the actions in California.

The license issued to petitioner by the Board was continuously renewed through May 15, 1988, at which time it was revoked, as set forth below.

## II

On May 15, 1988, the Board acted to revoke petitioner's license to practice as a Registered Nurse in the State of California. The revocation was the result of findings and determinations made following a hearing that petitioner violated Business and Professions Code sections 2761(a), 2762(b) and 4230, after proof was adduced that petitioner participated in cultivation, processing and use of marijuana that was occurring in the home where she was living. Marijuana and smoking paraphernalia were found in her purse and 634 marijuana plants were found on the property.

## III

On a date not established but before October 6, 1989, petitioner filed a Petition for Reinstatement of her license to practice as a Registered Nurse with the Board. The Petition was denied by the Board after hearing, effective October 6, 1989. The Board found petitioner had failed to persuasively demonstrate rehabilitation, and that petitioner was in denial regarding addiction.

On September 16, 1990, petitioner filed a second Petition for Reinstatement of her license to practice as a Registered Nurse with the Board. The Petition was denied by the Board after hearing, effective February 14, 1991. The Board found petitioner had failed to persuasively demonstrate rehabilitation, that petitioner was still in denial regarding addiction, and that petitioner had only reluctantly acknowledged that she had an addiction problem. The Board noted that petitioner had joined a 12-step group since her first denied Petition for Reinstatement, had commenced therapy for assistance in overcoming co-dependence and other self-defeating behaviors and participated in vocational rehabilitation.

On February 22, 1993, petitioner filed the current Petition for Reinstatement of her license to practice as a Registered Nurse with the Board.

#### IV

Petitioner "hit bottom" in August 1991. At that point she began to recognize the depth of both her substance abuse problem and her denial of it. She has embraced the 12-step program and has progressed to the 8th and 9th step. She went through a detoxification program at "The Effort", which continues to monitor her sobriety and administer random drug screens.

Petitioner realized that she was running from state to state to avoid her problems. She moved back to California so that she could begin active participation in a nurse's support group, which she continues to date. She attends at least three meetings per week of nurse's support and 12-step. She left Idaho because there was no nurse's support available to her there.

Since returning to California, petitioner has found gainful employment as the placement coordinator for Sacramento Home Care, a placement service for elderly clients needing in-home nursing care. She wants to continue in utilization review if reinstated. She realizes her skills are rusty and will be required to take a refresher course. She welcomes that opportunity.

Petitioner has also been receiving regular mental health counseling since returning to California. She has been on anti-depressant medication for a little more than a year, and she testified it has helped her a great deal.

#### V

Petitioner has successfully demonstrated rehabilitation sufficient to warrant a probationary reinstatement of her license. The Board commends her upon the success of her rehabilitation and the strength she exhibited in coming to grips with daunting personal problems, denial and addiction. Continuation of her rehabilitation program is a mandatory feature of the probationary reinstatement.

#### DETERMINATION OF ISSUES

Petitioner has the burden of proving by a preponderance of the evidence that the Petition for Reinstatement should be granted. As set forth in Findings IV and V, petitioner has met that burden of proof. It would not be contrary to the welfare and safety of consumers of nursing services in the State of California for petitioner to be allowed to return to a probationary nursing practice, subject to terms, conditions and restrictions.

ORDER

The Petition for Reinstatement of Diann Lynn Casper is granted, however, petitioner shall be on probation to the Board of Registered Nursing for a period of three years from the effective date of this Decision, subject to the following terms, conditions and limitations;

1. Petitioner shall obey all the laws of the United States, State of California, and its political subdivisions and all the rules and regulations of the Board governing the practice of nursing in this State. A full and detailed account of any and all violations of law shall be reported by the petitioner to the Board in writing within 72 hours of occurrence.
2. Petitioner shall fully and completely comply with the terms and conditions of the probation program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of petitioner's compliance with the program.
3. During the period of probation petitioner shall report in person to such meetings or interviews as directed by the Board or its designated representatives.
4. Periods of residency outside California will not apply to the reduction of this probationary period. Petitioner must provide written notice to the Board within 15 days of any change of residency or practice outside the state.
5. Petitioner, during the period of probation, shall submit such written reports/declarations and verification of actions under penalty of perjury as are required. These declarations shall contain statements relative to petitioner's compliance with all of the terms and conditions of the Board's Probation Program. Petitioner shall immediately execute all release of information forms as may be required by the Board or its representatives.
6. Petitioner, during the period of probation, shall engage in the practice of professional nursing for a minimum of 24 hours per week (or as determined by the Board) for 6 consecutive months. Business and Professions Code section 2732 requires that no person shall engage in the practice of registered

nursing without holding a license that is in active status.

7. The Board shall be informed of and approve of each agency for which petitioner provides nursing services before petitioner commences work for that agency. Petitioner shall inform his/her employer of the reason for and the terms and conditions of probation and shall provide a copy of the Board's Decision and Order to his/her employer and immediate supervisor. The employer shall submit performance evaluations and other reports as requested by the Board. Petitioner is also required to notify the Board in writing within 72 hours after the termination of any nursing employment. Any notification of termination shall contain a full explanation of the circumstances surrounding it.
8. The Board shall be informed of and approve of the level of supervision provided to petitioner while petitioner is functioning as a registered nurse. The appropriate level of supervision must be approved by the Board before commencement of work. Petitioner shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board.
9. Petitioner may not work for a nurses' registry, a temporary nurse agency, home care agency, in-house nursing pool, as a nursing supervisor, as a faculty member in an approved school of nursing, or as an instructor in a Board-approved nursing continuing education course. Petitioner must work only on regularly assigned, identified and predetermined worksite(s) with appropriate supervision approved by the Board.
10. Petitioner shall, at his/her own expense, begin and successfully complete a course(s) in nursing as directed by the Board before engaging in the practice of nursing prior to the end of the probationary term. Petitioner may be suspended from practicing nursing until the necessary coursework is completed. The content of such course(s) and the place and conditions of instruction shall be specified by Board representatives at the time of the initial probation meeting based on the nature of the violation(s). Specific courses must be approved before enrollment. Petitioner must submit written proof of enrollment and proof of successful

completion. Transcripts or certificates of completion must be mailed directly to the Board by the agency or entity instructing petitioner.

11. Petitioner shall completely abstain from the possession, injection, or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, in any form except when the same are lawfully prescribed by a licensed physician or dentist as part of documented medical treatment. Petitioner shall have sent to the Board, in writing and within 14 days, by the prescribing physician or dentist, a report identifying the medication, dosage, the date the medication was prescribed, petitioner's prognosis, and the date the medication will no longer be prescribed.
12. Petitioner, at his/her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. Petitioner is responsible for assuring that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive findings shall be reported immediately to the Board by the program and petitioner will be considered in violation of probation. In addition, Petitioner, at any time during the period of probation shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances.
13. Petitioner shall, within 45 days of the effective date of this Decision, have a licensed mental health examination including psychological testing as appropriate to determine his/her capability to perform the duties of a registered nurse. The examination shall be performed by a psychiatrist, psychologist or other mental health practitioner, approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of petitioner. The examination shall address, among other issues, whether petitioner is in need of continued psychotherapy or whether psychotropic medications are required for petitioner in order to enable her to perform the duties of a registered nurse.



Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by petitioner.

14. Petitioner, at her own expense and subject to the preceeding condition, shall participate in an on-going therapy or counseling program until such time as the Board releases her from this requirement, and only upon the recommendation of the counselor or other mental health professional providing the counseling or therapy. Written progress reports from the counselor or therapist will be required at intervals to be determined by the Board or its representative.
15. Should petitioner violate any of the above terms or conditions of probation, the Board, after providing the petitioner with notice and the opportunity to be heard, may terminate the petitioner's probation and rescind the order of reinstatement or take such other action as the Board deems just and reasonable in its discretion. Should the petitioner comply with all of the above terms and conditions, petitioner's license shall be fully restored at the end of probation. If during the period of probation, an Accusation or a Petition to Revoke Probation has been filed against petitioner's license, the expiration of the probationary period shall be immediately tolled. The tolling shall remain in effect, precluding the expiration of the probationary period, until all issues raised in the Accusation or Petition have been fully resolved by final Board action.

This decision becomes effective June 26, 1993.

Dated: May 25, 1993.

/s/ Harriett W. Clark, Esq.  
BOARD OF REGISTERED NURSING

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation )  
Against: )

No. 87-100

DIANN CASPER )  
License No. M 372313 )

OAH NO. N-29576

Respondent. )  
\_\_\_\_\_ )

DECISION

The attached Proposed Decision of the Administrative Law  
Judge is hereby adopted by the Board of Registered Nursing  
\_\_\_\_\_ as its Decision in the  
above-entitled matter.

This Decision shall become effective on May 15, 1988.

IT IS SO ORDERED April 14, 1988.

Board of Registered Nursing

*Delia B. Higgins*

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	
Against:	)	No. 87-100
	)	
DIANN CASPER	)	OAH NO. N-29576
License No. M 372313	)	
	)	
Respondent.	)	

---

PROPOSED DECISION

On January 20, 1988, in Sacramento, California, Keith A. Levy, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

June LaVerne Long, Deputy Attorney General, represented complainant.

Diann Casper appeared in person but was not otherwise represented.

Evidence was received, the record was closed and the matter was submitted.

FINDINGS OF FACT

I

Complainant Catherine M. Puri, R.N., Ph.D., made and filed the accusation in her official capacity as Executive Officer, Board of Registered Nursing, Department of Consumer Affairs, and not otherwise.

II

On May 31, 1984, the Board of Registered Nursing issued registered nurse license number M 372313 to respondent. The license will expire on February 29, 1988, unless renewed. At all times pertinent herein, the license was in full force and effect.

III

"Marijuana" is a Schedule I controlled substance as designated by Health and Safety Code section 11054(d)(13).

IV

On September 4, 1984, seven members of the Amador County Sheriff's Office, along with members of the CAMP Marijuana Eradication Program, searched property located at 19572 Lockwood Lane, Volcano, California pursuant to a search warrant. The respondent was renting a room in the home at the time. The owner of the home was cultivating marijuana and 694 marijuana plants were found on the property. Marijuana trimmings in glass jars containing water were found in respondent's bedroom window. Respondent's testimony that she did not know they were there is not credible.

V

Respondent's purse was found to contain Zig Zag rolling paper, four roaches, 2.6 grams of marijuana and seeds, and a marijuana smoking pipe.

VI

Respondent admitted to using marijuana socially but does not feel she has a drug problem. Respondent did not demonstrate that she has been rehabilitated.

DETERMINATION OF ISSUES

Cause for discipline of respondent's license was established for violation of Business and Professions Code, sections 2761(a), 2762(a) and 4230, by reason of Findings IV, V and VI.

ORDER

License No. M 372313 issued to respondent Diann Casper is revoked.

Dated: February 25, 1988



KEITH A. LEVY  
Administrative Law Judge  
Office of Administrative Hearings

1 JOHN K. VAN DE KAMP, Attorney General  
2 of the State of California  
3 JUNE LAVERNE LONG  
4 Deputy Attorney General  
5 1515 K Street, Suite 511  
6 P.O. Box 944255  
7 Sacramento, California 94244-2550  
8 Telephone (916) 324-5329  
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10 Attorneys for Complainant

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BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

11 In the Matter of the )  
12 Accusation Against: )

No. 87-100

ACCUSATION

13 DIANN CASPER )  
14 13362 Whitesand Dr. )  
15 Tustin, CA 92680 )  
16 Registered Nurse )  
17 License No. M 372313 )

Respondent. )

17 Catherine M. Puri, R.N., Ph.D., for causes for  
18 discipline, alleges:  
19

20 1. Complainant Catherine M. Puri, R.N., Ph.D., makes  
21 and files this accusation in her official capacity as Executive  
22 Officer, Board of Registered Nursing, Department of Consumer  
23 Affairs.  
24

25 2. On May 31, 1984, the Board of Registered Nursing  
26 issued registered nurse license number M 372313 to Diann Casper  
27 (hereinafter referred to as respondent). The license will expire

1 on February 29, 1988, unless renewed. At all times pertinent  
2 herein, the license was in full force and effect.

3  
4 3. Under Business and Professions Code section 2750,  
5 the Board of Registered Nursing may discipline any licensee,  
6 including a licensee holding a temporary or an inactive license,  
7 for any reason provided in Article 3 of the Nursing Practice Act.

8  
9 4. DRUGS

10 "Marijuana" is a Schedule I controlled substance as  
11 designated by Health and Safety Code section 11054(d)(13). Under  
12 Health and Safety Code section 11032, the term "narcotic" means a  
13 controlled substance classified in Schedules I or II as defined  
14 in sections 11054 and 11055 of that code.

15  
16 5. Respondent has subjected her license to discipline  
17 under Business and Professions Code section 2761(a) on the  
18 grounds of unprofessional conduct as defined by section 2762(a)  
19 of that code in that on September 4, 1984, she possessed an  
20 undetermined amount of Marijuana in violation of section 4230 of  
21 that code.

22  
23 WHEREFORE, complainant prays a hearing be had and that  
24 the Board of Registered Nursing make its order:

25 1. Revoking or suspending registered nurse license  
26 number M 372313, issued to Diann Casper.

27 /////

1                    2. Taking such other and further action as may be  
2 deemed proper and appropriate.

3                    DATED: 6/10/97

4  
5                    Catherine M. Puri  
6 CATHERINE M. PURI, R.N., Ph.D.  
7 Executive Officer  
8 Board of Registered Nursing  
9 Department of Consumer Affairs  
10 State of California

11 Complainant  
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